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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,051	07/13/2005	Takenori Tsuchiya	10517/281	6364
23838 7590 03/06/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER OLSZEWSKI, JOHN				
ART UNIT 3618		PAPER NUMBER		
MAIL DATE 03/06/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,051

Applicant(s)

TSUCHIYA, TAKENORI

Examiner

JOHN R. OLSZEWSKI

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17-20 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

- 1. Claims 13-15, 17-20, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Misu et al. (US 6,662,891).**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Misu et al. discloses a vehicular battery mounting structure comprising a floor panel (14); a seat (78) disposed above the floor panel, the seat having a back portion and a bottom portion (See Fig. 5); a battery pack (10) having a plurality of battery unit cells (22) or battery modules in accordance with a performance of a vehicle, the battery pack being disposed between the floor panel and the bottom portion of the seat (See Fig. 5), the plurality of battery unit cells or battery modules being arranged side-by-side in a longitudinal direction relative to the vehicle (See Fig. 2 and 4, Items 22), the battery pack further comprising a cooling fan (31) that supplies a cooling medium in a direction of the vehicle width (See Fig. 4), wherein the battery pack comprises a battery body formed by a plurality of battery unit cells or battery modules (Figures 2 and 4, Items 22), and a space portion (Figure 4, Item 32), through which the cooling medium is introduced, that is arranged within the battery pack (Figure 4, Item 10), and adjacent the

battery body (Figure 4, Item 24), that is provided at a side of the battery body that faces a centerline of a width of the vehicle (Battery body has multiple sides, one of which parallels item 32 and as such it also faces a centerline of the width of the vehicle); [claim 14] wherein the seat is a seat that does not have a power seat function; [claim 15] wherein the seat is a passenger seat or a rear seat; [claim 17] wherein the cooling fan is provided at a side of the battery body opposite from the side that faces the center line of the width of the vehicle, and wherein the cooling fan supplies the cooling medium between the battery unit cells, or between the battery modules; [claim 18] wherein the cooling fan supplies the cooling medium through the battery body from the side that faces the center line of the width of the vehicle to the side opposite from the side that faces the center line of the width of the vehicle; [claim 19] wherein the cooling fan supplies the cooling medium through the battery body from the side that faces the center line of the width of the vehicle to the side opposite from the side that faces the center line of the width of the vehicle, and discharges the cooling medium into a cabin; [claim 20] wherein the battery pack further comprises a diffusion portion for diffusing the cooling medium discharged from the cooling fan into the cabin; [claim 22] wherein a suction direction of the cooling fan is a direction of a rotating axis of the cooling fan, and a discharge direction of the cooling fan is a circumferential direction relative to the cooling fan; and [claim 23] wherein the cooling fan is a sirocco fan; [claim 24] wherein the battery pack is formed by a lithium ion battery or a nickel metal hydride battery (See column 9, line 35+); and [claim 25] wherein the battery pack is disposed between a vehicle side frame member and a vehicle central frame member, the battery pack, the

vehicle side frame member, and the central frame member being separated from each other.

Allowable Subject Matter

2. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claim 21:

- Upon further consideration of the art of record it has been found that the presence of a diffusion portion having a *plurality* of outlets has not been found to have been disclosed or taught in the prior art found at this time. Therefore claim 21 and any claims that depend therefrom are found to contain allowable subject matter.

Response to Arguments

3. Applicant's arguments filed on the 27th of December 2007 have been fully considered but they are not persuasive. Examiner selected Item 32 of Misu et al. to be the space portion, and it is provided at a side of the battery body that faces the centerline of a width of the vehicle. The battery body has multiple sides, applicant's arguments call one side the top, however the top is still a side of the body, just as the bottom, right, left, front, back, etc... are all sides. Also, regardless of a centerline chosen, a side of the battery will most always *face* the centerline whether it is in parallel, perpendicular, or at an angle with the centerline.

Conclusion

4. **Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. OLSZEWSKI whose telephone number is (571)272-2706.** The examiner can normally be reached on M-Th 5:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. O./
Examiner, Art Unit 3618

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618